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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Charles R. Borders
Commissioner

May 13, 2014

PARTIES OF RECORD

Re: Case No. Case No. 2012-00544
Petition of the Kentucky Cable Telecommunications Association for a Declaratory Order that the Commission Has Jurisdiction to Regulate the Pole Attachment Rates, Terms, and Conditions of Cooperatives that Purchase Power from the Tennessee Valley Authority

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Jeb Pinney at 502-782-2587.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

JP/kar
Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File 2012-00544

FROM: J.E.B. Pinney, Staff Attorney *JEP*

DATE: May 13, 2014

SUBJECT: Case No. 2012-00544

Petition of the Kentucky Cable Telecommunications Association for a Declaratory Order that the Commission Has Jurisdiction to Regulate the Pole Attachment Rates, Terms, and Conditions of Cooperatives that Purchase Power from the Tennessee Valley Authority

On October 3, 2013, Commission Staff, representatives from Kentucky Cable Telecommunications Association ("KCTA"), and representatives from Hickman-Fulton Counties Rural Electric Cooperative Corporation, Pennyrite Rural Electric Cooperative Corporation, Tri-County Electric Membership Corporation, Warren Rural Electric Cooperative Corporation, and West Kentucky Rural Electric Cooperative Corporation (collectively "TVA Cooperatives") participated in a telephonic informal conference. A copy of the sign-in sheet of those who participated is attached.

The purpose of the informal conference was to discuss the future procedure to follow after the Commission's granting of rehearing. Commission Staff noted that the issues presented in the case were mixed questions of fact and law. Commission Staff also noted that there was no evidence in the record to support the argument for Commission preemption over the pole attachment rates of the TVA Cooperatives. Commission Staff suggested that discovery might be necessary, with the opportunity to go forward to a hearing, if necessary. Commission Staff suggested that the parties agree on a discovery schedule. The parties conferred on potential deadlines for the discovery schedule and reached a tentative agreement in a schedule which they would file with the Commission shortly.

Thereafter the conference concluded.

Attachment

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF THE KENTUCKY CABLE)	
TELECOMMUNICATIONS ASSOCIATION FOR)	
A DECLARATORY ORDER THAT THE)	
COMMISSION HAS JURISDICTION TO)	CASE NO.
REGULATE THE POLE ATTACHMENT RATES,)	2012-00544
TERMS, AND CONDITIONS OF)	
COOPERATIVES THAT PURCHASE)	
ELECTRICITY FROM THE TENNESSEE)	
VALLEY AUTHORITY)	

October 3, 2013

Please sign in:

NAME	REPRESENTING
<u>J. E. B. Pinney</u>	<u>PSC - Office of General</u>
<u>Eric Bowman</u>	<u>PSC - Eng.</u>
<u>Aaron Ann Cole</u>	<u>PSC - Legal</u>
<u>RICHARD RAFF</u>	<u>PSC - LEGAL</u>
<u>Jim Stevens</u>	<u>PSC - FA</u>
<u>Larry Zieller</u>	<u>KCTA</u>
<u>Janice Theriot</u>	<u>KCTA</u>
<u>Gardner Gillispie</u>	<u>KCTA</u>
<u>Ron Reimer</u>	<u>KCTA</u>
<u>Rick Wolfe</u>	<u>Comcast</u>
<u>Randy Hollis</u>	<u>KCTA</u>

Case No. 2012-00544
October 3, 2013

NAME

REPRESENTING

Jay Ireland

Comcast

Tip Depp

Dinsmore

Joe Newberg

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